

Previous references.

File No. 10.

1903-04.

Serial Nos. /- 5

(P & J.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

/- 5.

Major Part B. for May 04.

SUBJECT.

Release of Ena, prisoner in
Central jail, Bangalore.

Div. J. 1096.

64
J

20-1-04.

From

The J. G. of Prisons.

Submits for early sanction of Govt.
a nominal - Roll of life-term convict, by name
Ena, prisoner in Bangalore Central jail, pro-
posed to be released under the Ticket of leave rules.

1469 To

27-1-04

G. R. S. 58

The J. G. of Prs.

States that the date given for release

re-intermarked
11/7

is incorrect and that the particulars of the offence for which and the date on which the prisoner has been sentenced to a further term of 3 years' rigorous imprisonment should be furnished.

No. J 1176

$\frac{113}{J}$

29-1-02

From

The J. C. of Prisons.

Explains the discrepancies in the matter of the date of release of the above prisoner.

4. No. J 1604

$\frac{337}{J}$

15-4-04.

From

The J. C. of Prisons.

Draws his attention to the information called for in Serial 1.

5.

2466.

17-5-04.

To

The J. C. of Prisons.

Sanctions the release of prisoner Ena.

Indexed.
K Rangaswami.

Office of the Dewan of M.

File No. (if any)

Directions.

No., date and purpose of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin

Branch : — Social.

Subject : — Release of life-convict Easa (No: 9651) under the Ticket-of-Leave Rules.

Letter No. $\frac{64}{J}$ d: 20-1-04 from the I.G. of Prisons in Mysore, recommending the —

Subd for order with the usual draft.

Asst Secy's remarks : — I think some further information is necessary, as per redraft put up. (Initd) K.S.C. 22-1-04.

The draft was approved of by Secretary and issued.

2. "The Inspector General has furnished the further information called for, in his letter No. $\frac{113}{J}$ dated the 29th January 1904.

3. "The Calculation as to the 25th January 1904 being the date of release (if we desired

the remission from the aggregate term of 18
years) may be accepted as correct, as ~~Rule~~
17 of the ~~State~~ Rules of 1899 requires that
the remission shall be calculated, in days,
and not converted into months or years.

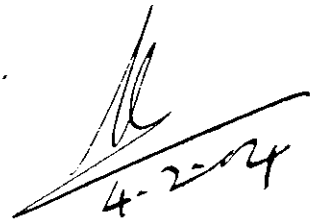
4. "I am not, however, able to agree
with the Offg. Inspector General in his inter-
pretation of Rule 16 of the Ticket-of-Leave
Rules of 30th July 1892. That Rule applies to
a prisoner who (having been admitted to
the benefit of the Rules) "has passed 16 years
of his sentence in the jail, and whose con-
duct has been good after the expiry of
a further period of 2 years less the period
of remission earned, if any." I think the
Rule requires that the prisoner should
have spent 16 clear years in jail in the
first instance, and that the deduction
applies only to the further period of 2
years, and not to the primary term of
16 years.

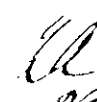
5. "If ~~it~~ ~~is~~ ~~accepted~~, then the
prisoner would be eligible for release immediately
and

on completing 10 years on 1st December 1905; as the remission ~~can~~ exceeds 2 years no further improvement would be undergone.

" If that of the Inspector General be correct, then the prisoner should have been released on 28th January 1904; but as he has a further term of 3 years ^{yet} to serve, this is not very material.

Bids are solicited.


4-2-04

Subd to the Prison
through the 2nd 

29/2/04

Recd 2-7-04
1/3/04

As for 2nd C's remarks, see next page.

709
4-3-04

b. Method of Calculation of the date of release of the Convict Era

Date of Sentence ——— 11th Decr 1889.

Term of imprisonment — 18 years.

Deduct Spl Remission granted
by Govt ——— } 2 years. 9 months. 15 days

Balance 15 years. 3 months. 15 days

Date of release ——— 25th February 1905.

Deduct again remission
earned in jail ——— } 395 days

28th January 1904

The difference between
the date of release
and the date of arrival was
in fact having cal-
culated the 395 days as
year and 1 month.

29/2/04

- II. Are there no precedents? These
refer to old files & especially
to the Marine files.
8. I. Why is 18 years put down
as the term of imprisonment?
Should it not be 20?
7. III. Was 16 years clear
service in jail restricted upon
an previous occasion, or
was remission earned
otherwise than under the Ticket
of Leave Rules, provided as
part of the 16 years referred to
in Rule 16? ———

1. There is no definite authority under which a life-sentence of convicts admitted to the benefit of Ticket-of-leave rules of 1892 should be calculated as equivalent to 18 years, but this has been the practice for a long time. The question was, however, raised by the present Deputy Secretary at the time of the release of prisoners on the occasion of the Coronation celebrations of His Majesty the King Emperor and at the time of the Installation of His Highness the Maharaja but no orders were passed.

If it was assumed, I believe, that 18 years should be taken as the equivalent.

11. In submitting draft rules regarding the earning of remission by prisoners, the Inspector-General proposed to assimilate the length of a life-sentence in the case of all prisoners alike, i.e., as equivalent to 20 years. Thereupon Government observed

that the Inspector General apparently contemplated the supersession of the Rules of 30th July 1892 (Ticket-of-leave Rules) on the issue of the new rules proposed by him, but that they were intended for a special class of prisoners not coming within the purview of the new Rules proposed, that the more favourable position enjoyed by them was not an anomaly but a concession specially granted to them in view of their being not recommittees and of their having conducted themselves well during the first ten years of their confinement in jail and that moreover their release was subject to their acceptance and fulfilment of certain conditions, a breach of which might render them liable to be rearrested and re-manded to jail to undergo their original sentence. (vide Govt Proceedings No- $\frac{5245}{J5246}$ dated 17th October 1898).

= Copy of the Ticket-of-leave
issued

issued to Julija, a convict under a sentence
of transportation for life ~~on 25th of~~ from
21st July 1884 who was released under the
OR No. 1446.
Vol VIII. Rules in Govt Proceedings No. 9773
dated 24
18923

February 1900, has been obtained from the
Central jail and put up for inspection. The
prisoner was granted 18 months' remission on
the occasion of the Diamond Jubilee and
had earned 315 days under the Ticket-of-leave

- That is, the ten ^{or} ~~or~~ ^{equivalent to 18 years;} Rules. He was released on 12th March 1901
from this the total remission
earned were reckoned
that ~~amounted~~ ^{was} for 16 years
of imprisonment. ~~He~~ but the conditions under which his release
was granted were to be in force till the
12th March 1903.

13. II. As regards precedents, it is observed
from 5-1100-5 to 53. that ^{some of} all the life-term prisoners, who have
been released from the year 1899, had ~~not~~
put in 16 years' clear service in the jail
as required by Rule 16 of these Rules.
This was due to the fact that all the

prisoners were granted remissions in honor
of the Diamond Jubilee and that this ⁸pen
together with the ~~most~~ amount of remission
granted under the ~~revised~~ Rules were
~~deducted~~ taken into account in calculating
the date of release.

14. III. Moreover the 16 years' clear
incarceration was not insisted upon in
the case of ^{life-term} prisoners who were released
on the occasion of the Coronation celebrations
of His Majesty and on the occasion of the
Installation of His Highness in 1902.

Subd for adsp.

DP
15-3-04 15. In one word, the precedents
show that 16 years clear ^{inc}prison
has not been insisted upon, as
required (in my opinion) by the wording
of the Rule -
Sec 3

Recd by me 21/3/04 LL

Added to the 1st in reply to his queries

27/3/04 LL

16. The wording favors the Dy
~~from~~ Jangi's opinion while
the practice is against it.
The latter ~~is~~ is
fairer to the convict con-
-ceded than a strict
interpretation of the rule. The
Dyli recommendation
may therefore be observed
of

29/3/04
17. The point for order is stated
in para 5 of these notes (infra)

Dawn

30.3.04

18391

My view of the rule is as
follows:

The prisoner ~~was~~ who
benefited has, to serve out
16 years - if nothing had
occurred to shorten the term
sent have remitted 2.9.15
as an act of grace - thus he
would be deducted from 16. If
the prisoner has thus served
for 16 yrs minus the period
of 13.2.15 - and if he also

serves for 2 years minus
 1 year & 1 month the remission
 which he has earned under
 the list of leave rules he will
 be entitled to release - In other
 words the date of release will
 be that day on which he shall
 have served out 13 years
 months & 15 days plus
 years minus one year and
 a month or such larger period,
 but he ^{should} earn will be say
 is 2 years.

6.11.04

W. C. C.

1. Branch

Kindly show me the draft
 after appl by the Dy Secretary
 W. C. C. 9/5/04

Submitted with a draft for approval. The
 date of release of the prisoner referred to falls
 on the 28th January 1904, as shown below:—

Date of Sentence - -	11 th December 1889
add -	13 years, 2 months + 15 days
	25 th February 1903
add	2 years
	25 th February 1905

deduct the amount of remission

Date of Release

395 days

 28th January 1904

accy to existing rules, minimum
 remission earned should be
 in days & not converted into
 years & months. (Reg B)

Submitted for audit

SN
11/5/04

In other words, the mode
of calculation indicated in the
Deewan's note is exactly
that adopted by the Govt
of Mysore. And hence the
draft is all right & may
issue.

Secy

12.8.04

1.1.1. draft to the 1st / -

14/5/04

1336
Rs 16.5.04

- C.

16/5/04

Please issue the draft 17/5

Very Urgent
1904. J 1096

From

Off. Insp. Genl. of Prisons
in Mysore.

SECTION P 72

FILE No. 10 of 03-62, To

SERIAL No. 1

The Secy. to Government
Genl. & Rev. Deptt.
Bangalore.

Dated 20th January 1904.

Despatched

Received

General No. 64
No. J

Enclosure No. 1.

Submits for early sanction of Govt. the enclosed nominal roll of Life-term convict No. 6244 No. 9651 of the Bangalore Central Jail proposed to be released under the Ticket-of-Leave Rules.

From

Lt.-Colonel John Smyth M.D., I.M.S.,

Offg. Inspector General of Prisons in Mysore,

Bangalore.

To

H.V.Nanjundayya Esqr., M.A., M.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments, Bangalore.

No. 64 Genl: 1.

Dated 20th January 1904.

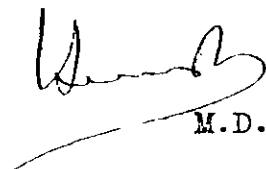
Sir,

I have the honor to submit herewith for ^{Early} sanction of Government the enclosed Nominal Roll of Life-term Convict Earra No. 9651 of the Bangalore Central Jail, proposed to be released under the Ticket-of-leave Rules issued under Notification of Government No.1937/J.73-92 dated 30th July 1892.

I have the honor to be,

Sir,

Your most obedient servant,


M.D.,

Lt.-Colonel I.M.S.,

Offg. Inspector General of Prisons.

T.C.G.



Urgent
Office Draft. (Letter.) Docket-3

General & Revenue Secretariat,
Branch.

To

The Insp^r Genl of Prisons in
Mysore

SECTION C & G

FILE NO.

100 of 03-04

SEP

No.

2

Date of passing the draft

Date of despatch

27th January 1904

Regd. No.

File No. & date (if any)

1469
J. 4549/2.

No. of Encls.

The Inspector General's letter
No. 64 dated the 20th January 1904
Submitting for sanction the
nominal roll of life-term con-
vict Laxa (no: 9651) of the
Bangalore Central jail.

The date given for release
in Column 10 of the Nominal
Roll, ~~referred to~~ seems to be
incorrect. A term of 14 years,
1 month and 15 days commencing
from

from the 11th December 1889 will expire
on the 25th January 1904, and the next
day will accordingly be the date of
release and not the 28th January 1904.
The discrepancy should be explained.

2. At the same time, has the honour
to point out that, under Rule 16 of the Ticket-
of-leave Rules of 1892, a prisoner must in the
first place have passed 16 years of his sen-
tence in jail without deduction, and in the
second place, a further period of 2 years less
any remission earned. In the case of the
prisoner ^{James} ~~James~~ under advertance, the total
period of remission earned by him, ex-
ceeds two years, but the excess cannot be
deducted from the primary term of 16 years,
which he will not have put in till the
1st December 1905. It would therefore appear
that he will not be eligible for release till
that date.

Particulars of the offence for which and the date on
which the prisoner has been sentenced to a further
term of 3 years' rigorous imprisonment should be furnished.

163
2124

Br. H. 25/1/14

James
26/1/14

10.1.04
-1904. 5

From

The Insp. Genl of Prisons
MYSORE GOVERNMENT
FEB. 1904
476
in Mysore.

To

The Secy. to Government
-Genl. & Rev. Dept.
Bangalore.

Dated

29th January 1904

Despatched

1st Febr. 1904.

Received

General No.

113

No.

J

Enclosure No. *1.*

PLJ
SERIAL No. *10 of 03-04*
3

*Explains the discrepancies in
the matter of the date of release
of life term convict Para No. 9651
of the Bangalore Central Jail.*

From

Lt.-Colonel John Smyth M.D., I.M.S.,

Inspector General of Prisons in Mysore,

Bangalore.

To

H.V.Nanjundayya Esqr., M.A., M.L.,

Secretary to the Government of Mysore,

General and Revenue Departments, Bangalore.

No. 113 *Enc. 1.*

Dated 29th January 1904.

1-2-04

Sir,

In reply to your docket No.1469/F.45 of 92, observing certain discrepancies in the matter of the date of release of life term convict Eara No.9651 and requesting to explain the said discrepancies, I have the honor to state as follows:-

1. As regards para I, I am to state that the date given for release in column 10 of the Nominal Roll is correct. The procedure of calculation in finding out the date of release by counting the term of sentence undergone viz., 14yrs-1m-15days from the date of sentence is not correct, and not in practice. According to the Rules and practice in vogue, the period of remission earned is not to be converted into years or months and is always deducted in days from the term of imprisonment commencing from the date of release. Thus, if the total period of remission earned be deducted from the actual date of release viz., 10th December 1907 taking the term as 18 years, commencing from 11th December 1889 the date of release arrived at, is 28th January 1904.

2. As regards para II, I have the honor to state that Rule 16 of the Ticket of Leave Rules of 1892, while laying down that a prisoner must have passed 16 years of his sentence in the Jail does not in my opinion mean that there should

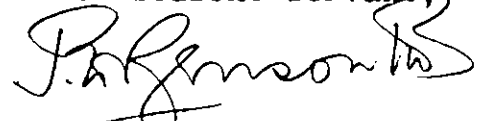
not be any deduction from that period. In the case of prisoner Eara under advertance, he has been granted by Government a remission of 1 year- 8 months on account of the Diamond Jubilee and 1 year - 1 month & 15 days on account of the Coronation, making in all a total of 2 years 9 month and 15 days, and which period should necessarily in my opinion gives the prisoner a deduction from the so called primary sentence of 16 years. This period of 2 years and 9 months and 15 days, which thus reduces his sentence must be considered to have been under one by the prisoner. If the said period is so deducted from the so called primary sentence of 16 years, the prisoner will have put ⁱⁿ 13 years 2 months and 15 days, which brings on his date of release to 25th February 1903; to this, if a further term of 2 years is added, the date of release would then be 25th February 1905. From this latter date, the period of remission earned by the prisoner in Jail viz., 395 days (both under mark and Ticket-of-leave Rules) if deducted, the final date of release will certainly fall on the 28th January 1904, and on which date, the prisoner is entitled to release. A Memo showing how the date of release has been arrived at is enclosed herein for reference.

3. With reference to last para, I beg to state that Convict Eara referred to, was sentenced to an additional term of 3 years rigorous imprisonment on the 17th June 1898, for abetting the commission of the offence of voluntarily causing grievous hurt to a public servant in the discharge of his duties under section 109, and 333 of the Indian Penal Code, in Bangalore Sessions case No.23 of 97-98, on the file of the Sessions Judge Nandidroog Division, Bangalore.

I have the honor to be,

Sir,

Your most obedient servant,



Lt.-Colonel I.M.S.,

Inspector General of Prisons.

T.C.G.

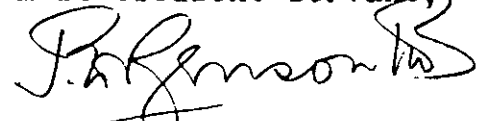
not be any deduction from that period. In the case of prisoner Eara under advertance, he has been granted by Government a remission of 1 year- 8 months on account of the Diamond Jubilee and 1 year - 1 month & 15 days on account of the Coronation, making in all a total of 2 years 9 month and 15 days, and which period should necessarily in my opinion gives the prisoner a deduction from the so called primary sentence of 16 years. This period of 2 years and 9 months and 15 days, which thus reduces his sentence must be considered to have been under one by the prisoner. If the said period is so deducted from the so called primary sentence of 16 years, the prisoner will have put 13 years 2 months and 15 days, which brings on his date of release to 25th February 1903; to this, if a further term of 2 years is added, the date of release would then be 25th February 1905. From this latter date, the period of remission earned by the prisoner in Jail viz., 395 days (both under mark and Ticket-of-leave Rules) if deducted, the final date of release will certainly fall on the 28th January 1904, and on which date, the prisoner is entitled to release. A Memo showing how the date of release has been arrived at is enclosed herein for reference.

3. With reference to last para, I beg to state that Convict Eara referred to, was sentenced to an additional term of 3 years rigorous imprisonment on the 17th June 1898, for abetting the commission of the offence of voluntarily causing grievous hurt to a public servant in the discharge of his duties under section 109, and 333 of the Indian Penal Code, in Bangalore Sessions case No.23 of 97-98, on the file of the Sessions Judge Nandidroog Division, Bangalore.

I have the honor to be,

Sir,

Your most obedient servant,



Lt.-Colonel I.V.S.,

Inspector General of Prisons.

T.C.G.

Encl. to A.L. 3.

7

Memo of remission earned by convict no: 9651 Bara.
as also the mode of adjusting the date of his release.

Date of sentence 11-12-1889

Term of imprisonment is 18 years.

The date of release is therefore 10-12-1907.

Deduct from this Remission granted by Government on special occasions } 15-9-2
years 2-9-15^{m days}

The date of release is 25-2-1905

As shown below, deduct again^{Remission} 395 days.
earned in jail, under mark and
Ticket of leave Rules }

The final date of release --- 28-1-04

<u>1905</u>	*	<u>1904</u>
In February 25 days		In August 31 days
" January 31 -		" July 31 -
<u>1904</u>		" June 30 -
" December 31 -		" May 31 -
" November 30 -		" April 30 -
" October 31 -		" March 31
" September 30		" February 29
		" January 4

395 days.

J. H. S.

Lieut. Col. I. M. S.

Inspector General of Prisons

in Madras.

11684

8

1904

From

The Officer in Charge of Prisons
Mysore



SECTION-

P29-

To

FILE No.

10 of 03-04

The Offg. Secy. to Govt.
Genl. & Prov. Dep't.
Bangalore.

SERIAL No.

4

Dated

15. 4 April / 04

Despatched

18

Received

General No. 337

No. 97

Enclosure No.

Invites the favor of his attention to this office No. 64 of 20. 1. 04 & requests an early reply thereto re. the nominal roll of life-term convicts Card No. 9651 of the C. C. T., whose date of release was adjudged to 28th Jan'y / 04.

No. 337 Office of the Insp. Genl. of Prisons

Dated Bangalore, 15th April 1904.

From

Lt.-Colonel John Smyth M.D., I.M.S.,

Offg. Inspector General of Prisons in Mysore

Bangalore.

To

M. Anantawamy Rao Esqr. B.A.,

Offg. Secretary to the Government of

His Highness the Maharaja of Mysore,

Genl. and Rev. Departments, Bangalore.

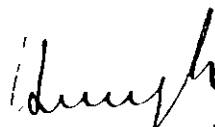
Sir,

I have the honor to invite the favor of your attention to this Office No. 64 dated 20th January 1904, submitting a nominal Roll of life-term Convict Para No. 9651 of the Bangalore Central Jail whose date of release was adjudged to 26th January 1904 under the Ticket of Leave Rules and to request the favor of an early reply on the subject.

I have the honor to be,

Sir,

Your most obedient servant,



M.D.,

Lt.-Colonel I.M.S.,

Offg. Inspector General of Prisons.

T.C.G. 

Read:-

5
SECTION PFC

FILE No. 10753-4

SERIAL No. 5

Cl.
16/5/04

Letter No. $\frac{64}{8}$ dated the

20th January 1904, from the Inspector
General of Prisons in Mysore,
submitting the nominal roll
of a life-convict named Gara
(No. 9151) of the Bangalore Central
jail and recommending his
release under the Ticket-of-
leave Rules.

2. Letter No. $\frac{113}{9}$ dated the
29th January 1904, from the same
Officer, explaining the method
according to which the date
of the release of the prisoner referred
to ~~has been~~ arrived at. 18.5.04

Order thereon No. 2466
2.7.45/92

accordance with

to ¹⁰ recommendation made in the
above, the Government of His
Highness the Maharaja are
pleased, under section 401 of the
Criminal Procedure Code, to
remit the unexpired portion
of the sentence ^{of transportation for life} passed on
Jivich Eara (N^o. 9651) and to
sanction his release on the
28th January 1904, subject to para 2 (*infra*) of this order and to
the conditions laid down in
part II of the Rules published
under Govt. Notification N^o. ¹⁹³⁷
J. 773-92 Flag A
dated the 30th July 1892.

2. This order does not
affect the sentence of three
years' rigorous imprisonment passed
upon the prisoner in question,

which he has to undergo in
effect from the 28th January 1904.

Dismissed
15/5/04

17/5/04

12-5-04 Offg Secretary

To
The J. G. of Prisons in Mysore

slr
to 15/5/04

17/5/04